

REMARKS

Initially, the Examiner has rejected claim 24 under 35 U.S.C. 112, first paragraph, on the basis that the recitation “the device agent is programmed to act as a proxy” is not described in the specification and is not supported thereby. Having considered the rejection, the Applicants have decided to delete the phrase “act as a proxy.” As the rest of the recitation is supported by the specification, it is believed that this rejection has been rendered moot.

Turning to the prior art rejections, the Examiner has maintained her rejection of claims 1-8, 10-20, 22, and 24-26 under 35 U.S.C. §102(b) as being anticipated by U.S. Published Patent Application No. 2001/0053688 by Rignell et al., (hereinafter “Rignell”). In addition, the Examiner has maintained her rejection of claims 9, 21, and 23 under 35 U.S.C. §103(a), whereby claim 9 is unpatentable as obvious over Rignell in view of U.S. Published Patent Application No. 2003/0195753 to Homuth; claim 21 is unpatentable as obvious over Rignell in view of U.S. Published Patent Application No. 2003/0178241 to Eriksson; and claim 23 is unpatentable as obvious over Rignell in view of U.S. Published Patent Application No. 2003/0023573 to Chan et al.

The main reference cited by the Examiner is Rignell. Rignell relates to a method of providing support to a mobile communications unit. Rignell describes that support information is received from the communications unit which is used somehow to provide an update or a problem fix to be returned to the communications unit. However, Rignell does not disclose, teach or suggest receiving device profile data comprising user-specific and device-specific data, and further, using this data to identify, through an analytics engine, solutions for any mobile device issues.

In fact, Rignell specifically teaches away from using a programmed analytics engine. In paragraph 77 of Rignell, for example, Rignell provides that the support information is in the form of a support message that comprises information that is “useful, relevant and/or interesting to a support team.” This suggests that the problem solving is basically human powered, *i.e.*, left to human determination and manipulation, and is automated only in that the user of the communications unit does not need to explain the problem himself/herself or assist in implementing the solution (*i.e.*, because the “support team” figures out the solution).

By contrast, in the present invention, the analytics engine is “the heart of the mobile care framework” (paragraph 86). The analytics engine is able to determine if there is an update or solution corresponding to the customer’s profile history and device profile. The analytics engine also sends a decision response message back which can then be provisioned to the device. Again, there is no teaching or suggestion of an analytics engine in Rignell.

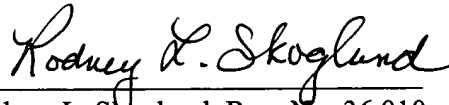
The Applicants have also added new claims to clarify that the device data profile comprises “XML data” and the solution forwarded comprises “XML data.” Support for these claims can be found in paragraphs 52 and 57-58 of the subject specification. XML data is not taught or suggested by Rignell.

Given that Rignell does not teach or suggest the invention claimed in claims 1, 14 or 24, and no other references are cited against claim 1, 14 or 24, the Examiner has not made out a *prima facie* case as to why Rignell would be combinable with any other cited reference for any of these claims. Given that all of the other claims depend from one of these claims, those claims are also believed allowable over the prior art. In other words, the obviousness rejections of claims 9, 21, and 23 should be withdrawn, as each and every element of independent claims 1, and 14, from which claims 9, 21, and 23 depend, have not been taught or suggested individually or by the combination of the cited references proffered by the Examiner.

In view of the foregoing amendments and arguments presented herein, the Applicants believe that they have properly set forth the invention and accordingly, respectfully request that the Examiner reconsider and withdraw the rejections provided in the last Office Action. A formal Notice of Allowance of claims 1-29 is earnestly solicited. Should the Examiner care to discuss any of the foregoing in greater detail, the undersigned attorney would welcome a telephone call.

In the event that a fee required for the filing of this document is missing or insufficient, the undersigned attorney hereby authorizes the Commissioner to charge payment of any fees associated with this communication or to credit any overpayment to Deposit Account No. 18-0987. If a withdrawal is required from the Deposit Account, the undersigned Attorney respectfully requests that the Commissioner of Patents and Trademarks cite Attorney Docket Number DWW.P.US0003 for billing purposes.

Respectfully submitted,

A handwritten signature in cursive script that reads "Rodney L. Skoglund". The signature is written in black ink and is positioned above a horizontal line.

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